

Control Number: 50410



Item Number: 327

Addendum StartPage: 0

**PUC DOCKET NO. 50410  
SOAH DOCKET NO. 473-20-3470**

2021 MAY -7 AM 11:39

**JOINT APPLICATION OF WIND  
ENERGY TRANSMISSION TEXAS,  
LLC AND ONCOR ELECTRIC  
DELIVERY COMPANY LLC TO  
AMEND THEIR CERTIFICATES OF  
CONVENIENCE AND NECESSITY FOR  
THE BEARKAT SWITCHING  
STATION-TO-LONGHORN  
SWITCHING STATION 345-KV  
TRANSMISSION LINE IN  
GLASSCOCK AND HOWARD  
COUNTIES**

**§ PUBLIC UTILITY COMMISSION  
§  
§ OF TEXAS  
§  
§  
§  
§  
§  
§  
§  
§  
§**

**ORDER**

This Order addresses the joint application of Wind Energy Transmission Texas, LLC (WETT) and Oncor Electric Delivery Company LLC to amend their certificates of convenience and necessity (CCNs) to construct, own, and operate the Bearkat switching station-to-Longshore switching station 345-kilovolt (kV) transmission line in Glasscock and Howard counties.

The parties filed an unopposed agreement to route the transmission line along route 69 or alternatively route 69A, but later filed a joint motion to withdraw route 69A from consideration. The Commission approves route 69 and amends WETT's CCN number 30197 and Oncor's CCN number 30043 to the extent provided in this Order.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Joint Applicants**

1. WETT is a domestic limited liability company registered with the Texas secretary of state under filing number 801027991.
2. WETT owns and operates for compensation in Texas facilities and equipment to transmit electricity in the Electric Reliability Council of Texas (ERCOT) region.
3. WETT is required under CCN number 30197 to provide service to the public.

4. Oncor is a Delaware limited liability company registered with the Texas secretary of state under filing number 800880712.
5. Oncor owns and operates for compensation in Texas facilities and equipment to transmit and distribute electricity in the ERCOT region.
6. Oncor is required under CCN number 30043 to provide service to the public and retail electric utility service within its certificated service area.

**Application**

7. On January 14, 2020, Oncor and WETT filed an application to amend their CCNs to build, own, and operate separate portions of a new 345-kV single-circuit, double-circuit-capable, transmission line in Glasscock and Howard counties. The transmission line will connect WETT's existing Bearkat switching station in Glasscock County to Oncor's existing Longshore switching station in Howard County.
8. Oncor and WETT proposed for WETT to build, own, and operate the line from the Bearkat switching station to a physical halfway division point and for Oncor to build, own, and operate the line from the Longshore switching station to the same halfway division point.
9. The division point on route 69 would occur along segment C-AD on an Oncor-owned structure west of Farm-to-Market Road 33 on CCN tract number 386, located approximately 5,000 feet north of the right-angle turning structure that is west of FM 33 in the northeastern corner of CCN tract number 394 (route 69 division point structure). Oncor would be responsible for and own the transmission facilities north of the route 69 division point structure, while WETT would be responsible for and own the portion of the transmission facilities south of the route 69 division point structure.
10. Oncor and WETT retained KP Environmental, Inc. to prepare an environmental assessment and routing analysis, which Oncor and WETT attached to the application.
11. In Order No. 2 filed on February 14, 2020, the Commission administrative law judge (ALJ) found the application sufficient.

12. On September 16, 2020, Oncor and WETT amended their application with a revised mailout list, revised environmental and land use constraints map, and a revised table of estimated costs by route.

**Description of the Transmission Facilities**

13. The transmission line proposed in the joint application is 29.8 to 44.3 miles in length, depending on the route selected.
14. Oncor and WETT will construct the single-circuit transmission line on double-circuit-capable steel lattice towers but may use monopole structures within constrained rights-of-way or for engineering-related-reasons.
15. In this Order, the transmission facilities include the transmission line as well as station work at the Longshore and Bearkat switching stations.
16. The routes are based on a right-of-way width of approximately 160 feet.
17. WETT will own, operate, and maintain all the transmission facilities from the Bearkat switching station to a point approximately halfway along the final route toward the Longshore switching station, including a new 345-kV switchyard.
18. Oncor will own, operate, and maintain all the transmission facilities from the Longshore switching station to a point approximately halfway along the final route toward the Bearkat switching station.
19. Oncor and WETT will construct, own, operate, and maintain all transmission line facilities, including conductors, wires, structures, hardware, and easements on their respective portions of the line.
20. In the application, Oncor and WETT contended that route 102 best addressed the requirements of PURA<sup>1</sup> and the Commission's rules. Oncor and WETT also filed 248 additional routes for the transmission facilities.
21. Oncor and WETT estimated that they would finalize engineering and design by September 2021, acquire all rights-of-way and land by September 2021, procure material

---

<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

and equipment by October 2021, complete construction by March 2022, and energize the transmission facilities approved by this Order by March 2022.

**Public Input**

22. To develop information on community values for the transmission facilities, Oncor and WETT held a public meeting in Garden City, Texas on September 11, 2019.
23. Oncor and WETT directly mailed 366 individual written notices of the public meeting to landowners who own property located within 1,000 feet of the preliminary alternative routes' centerlines. Oncor and WETT obtained the landowners' names and addresses from a database of Glasscock and Howard counties' tax rolls. The notice included a map of the study area depicting the preliminary route segments, route segment descriptions, a brochure on landowners and transmission line cases at the Commission, a request to intervene form, a comment form, and a landowner's bill of rights.
24. A total of 45 people signed in as attending the public meeting.
25. A total of 20 people attending the meeting completed questionnaires and submitted them to Oncor and WETT for consideration. Oncor and WETT also received four additional questionnaires after the meeting.
26. Information from the public meeting and from local, state, and federal agencies was evaluated and incorporated into the selection of recommended and alternative routes by Oncor and WETT.
27. After the public meeting, KP Environmental modified the following segments as the result of further evaluation, including aerial reconnaissance: C-AC, C-AD, C-AF, C-AG, C-AK, C-AM, C-AP, C-BG, C-BH, C-BI, C-BJ, W-X, C-J, C-P, C-O, C-Q, C-T, C-S, C-X, C-AH, C-Z, E-AB, E-B, E-G, E-M, E-O, E-P, and W-F.

**Notice of Application**

28. On January 14, 2020, Oncor and WETT sent written notice of the application by first-class mail to county officials in Glasscock County and Howard County.

29. On January 14, 2020, Oncor and WETT sent written notice of the application by first-class mail to each neighboring utility providing similar utility service within five miles of the proposed routes.
30. On January 14, 2020, Oncor and WETT sent written notice of the application by first-class mail to each landowner, as stated on current county tax rolls, who could be directly affected by the transmission facilities on any of the proposed routes.
31. On January 14, 2020, Oncor and WETT hand-delivered written notice of the application to the Office of Public Utility Counsel.
32. On January 14, 2020, Oncor and WETT sent written notice of the application via email to the Department of Defense Siting Clearinghouse.
33. On January 16, 2020, Oncor and WETT sent a copy of the environmental assessment and routing analysis by first-class mail to the Texas Parks and Wildlife Department.
34. On February 3, 2020, Oncor and WETT filed the affidavit of Derrick Berg, a senior environmental planner and project manager at KP Environmental, who testified notice of the application had been provided as described above in findings of fact 28 through 33.
35. Oncor and WETT did not send written notice of the application by first-class mail to municipal officials because there are no municipalities within five miles of the proposed routes.
36. On January 21, 2020, Oncor and WETT published notice of the application in the *Big Spring Herald*, a newspaper which has general circulation in Howard and Glasscock counties.
37. On February 3, 2020, Oncor and WETT filed an affidavit stating that notice of the application had been published as described in finding of fact 37.
38. In Order No. 2 filed on February 14, 2020, the Commission ALJ found the notice of the application sufficient.
39. On March 10, 2020, Oncor and WETT filed the supplemental affidavit of Derrick Berg, who testified notice of the application was re-sent to four landowners whose original

notices were returned and sent to one landowner who was inadvertently left off the initial notice list due to an error.

40. On May 14, 2020, Oncor and WETT filed the second supplemental affidavit attesting to the provision of notice of W. Chris Reily, a regulatory manager of external affairs at Oncor, who testified notice of the application was sent to landowners who had not previously received notices.
41. On May 22, 2020, Oncor and WETT filed the third supplemental affidavit attesting to the provision of notice of Mr. Reily, who testified Oncor and WETT mailed corrected intervention forms to certain landowners described in Mr. Reily's May 14, 2020 affidavit.
42. On July 1, 2020, Oncor and WETT filed the fourth supplemental affidavit attesting to the provision of notice of Mr. Reily, who testified notice of the application was re-sent to three landowners whose original notices were returned and that Oncor and WETT could not identify alternate addresses to re-send notice to two landowners whose original notices were returned despite the exercise of reasonable diligence.
43. On July 15, 2020, Oncor and WETT filed the fifth supplemental affidavit attesting to the provision of notice of Mr. Reily, who testified 77 corrected notice packages were sent by priority mail, with delivery confirmation, to landowners impacted by incorrect or incomplete prior notice information and that notice of the application was re-sent to two landowners whose original notices were returned.
44. On August 13, 2020, Oncor and WETT filed the sixth supplemental affidavit attesting to the provision of notice of Mr. Reily, who testified notice of the application was re-sent to a landowner whose original notice was returned and that Oncor and WETT could not identify an alternate address to re-send notice to a landowner whose original notice was returned despite the exercise of reasonable diligence.
45. In State Office of Administrative Hearings (SOAH) Order No. 6 filed on August 17, 2020, the SOAH ALJs found the supplemental notices sufficient.

**Intervenors**

46. In Order No. 3 filed on March 6, 2020, the Commission ALJ granted intervenor status to the following parties: James Lynn, Helen Glass, Shelby and Elizabeth Staggs, Jamie and Bailey Walker, James Wesley, and Ashley Glass (The Glass Family); Ernest Schwartz Farms Inc.; Ernest L. Schwartz; Joseph C. Schwartz Shelter Trust; Ernest and Debra Schwartz; Debra K. Schwartz; Derek Dieringer; Rose Schwartz; Mitchell Jansa; Mitchell Jansa Farms Inc.; Lynette Jansa; and Crystal Overton Roach.
47. In Order No. 4 filed on March 13, 2020, the Commission ALJ granted intervenor status to the following parties: Amy Schwartz; Rory Niehues; Sammy Kellermeier; Niehues Brothers; Joe Schwartz; Apple Creek Farms Inc.; Joe D. Schwartz Farms Inc.; Hugh Schafer; Justin Schwartz; J & A Farms, Inc.; B&W Halfman LP; C. Michael Hoch; Kevin Niehues; James Machicek; William Schafer; Colorado River Municipal Water District -- John Grant; Driver Production, LP; Driver Ranches, LP; Leon Halfman; Glasscock Concerned Citizens Group; Citation Oil & Gas Corp.; Rhino Farms Inc.; Machicek Farms Inc.; Eric Seidenberger; Dennis Seidenberger; Benella LLC; Galen and Kristin Schwartz Farms Inc.; El Paso Natural Gas Company, L.L.C.; Fred Squire; Barba Ballenger Keene; Currie Ranch LP; XTO Holdings, LLC; Paul and Tara Schwartz; Occidental Permian Limited; Wayne Jansa, Doyle Schaefer, Chris Matschek, Eugene Jost, and Charles and Janet Braden; Joyful Joyful Holdings LLC; Larry and Kim Halfmann; Apache Corporations; Lawrence Jost; Lorin McDowell IV; Laurel McDowell Miller; Lorin S. McDowell III; Kelly Cain; Allen McDowell; Kenneth Houston; Brad Avery; DCP Midstream LP; Plains Marketing LP; and Mark L. Frysak on behalf of Frysak Farms.
48. In Order No. 5 filed on April 7, 2020, the Commission ALJ granted intervenor status to David Hanson and Lester Meyer.
49. In SOAH Order No. 5 filed on July 31, 2020, the SOAH ALJs granted intervenor status to the following parties: Edward Bros. Ranch Co.; Estate of T.M. Newton; Jana A. Lark and Kelli Calverley, trustee of the Hope Jervon Calverley Trust and the Stephen Love Calverley Trust; John Wilde Family Trust; McClure Oil Company, Inc.; Dustin Baker; Emma Bogard; Suzette Buchanan; Analisa Garcia; Sara Garrett; William Gibson; Chais A. and Katrina V. Goodwin; Randall Keith and Tammy Joe Halfmann; Brian Hillger; Mike



Hillger; Cassandra Presley Long; Laurel Miller; David Moore; Charles and Loyce Phillips; John Seidenberger; David and Belinda Weishuhn; and Misti White.

50. In SOAH Order No. 6 filed on August 17, 2020, the SOAH ALJs granted intervenor status to Hurt Bros. Ranching.
51. In SOAH Order No. 7 filed on November 24, 2020, the SOAH ALJs dismissed the following intervenors for failing to file direct testimony or a statement of position: Apache Corporation; Benella, LLC; El Paso Natural Gas Company, LLC; Ernest Schwartz Farms, Inc.; Estate of T.M. Newton; Galen and Kristin Schwartz Farms, Inc.; Glynna Mouton, trustee of the Doris Pike Guthrie Trust for Will Wasson Guthrie; J & A Farms; Jana A. Lark and Kelli Calverley, trustee of the Hope Jervon Calverley Trust and the Stephen Love Calverley Trust; Machicek Farms, Inc.; Rhino Farms, Inc.; XTO Holdings, LLC; Brad Avery; Dustin Baker; Emma Bogard; Suzette Buchanan; Kelly Cain; Derek Dieringer; Analisa Garcia; Sara Garrett; William Gibson; Chais A. and Katrina V. Goodwin; Larry and Kim Halfmann; Randall Keith and Tammy Joe Halfmann; David Hanson; Brian Hillger; Mike Hillger; Kenneth Houston; Cassandra Presley Long; James Machicek; Lester Meyer; Laurel Miller; David Moore; Charles and Loyce Phillips; Crystal Overton Roach; Hugh Schafer; William R. Schafer; Debra K. Schwartz; Ernest L. Schwartz; Ernest and Debra Schwartz; Justin and Amy Schwartz; Paul and Tara Schwartz; Dennis Seidenberger; Eric Seidenberger; John Seidenberger; and Misti White.
52. In SOAH Order No. 8 filed on December 15, 2020, the SOAH ALJs reinstated intervenor status to Dennis Seidenberger.

**Alignment of Intervenors**

53. On January 28, 2020, the following intervenors gave notice of their voluntary alignment as a group called the Glass Family represented by Brady & Hamilton, LLP: James Lynn and Helen Glass; Shelby and Elizabeth Staggs; Jamie and Bailey Walker; and James Wesley and Ashley Glass.
54. On February 25, 2020, the following intervenors gave notice of their voluntary alignment as a group called the Glasscock Concerned Citizens Group represented by Jo Campbell: Carl Hoelscher; Valeria and Leroy Hoelscher; Nathan Halfmann; William Currie; and Sam

Kellerman. On March 4th, 2020, Sam Kellerman gave notice of his voluntary withdrawal from the group. On August 3, 2020, C. Michael Hoch was added to the group. On December 15, 2020, Dennis Seidenberger was added to the group.

55. On March 23, 2020, the following intervenors gave notice of their voluntary alignment as a group called the County Road 125 Intervenors represented by Bayliff Law Firm PLLC: Rose Schwartz; Joseph C. Schwartz Shelter Trust; Mitchell Jansa; Lynette Jansa; Mitchell Jansa Farms, Inc.; Rory and Joan Niehues; Kevin Niehues; Brent Niehues; Niehues Brothers; Joe Schwartz; Joe D. Schwartz Farms, Inc.; Wayne Halfmann; B & W Halfmann LP; Leon and JoAnn Halfmann; and Lawrence Jost.
56. On and after August 19, 2020, the following intervenors made filings as an aligned coalition named after the law firm representing them, Burdett, Morgan, Williamson & Boykin, LLP (BMW B Coalition): Wayne Jansa; Doyle Schaefer; Chris Matschek; Eugene Jost; Charles and Janet Braden; Sammy Kellermeier; Frysak Farms; and David and Belinda Weishuhn.

**Route Adequacy**

57. Oncor and WETT's application presented 42 geographically diverse routes using a combination of 125 routing segments.
58. No party filed testimony or a statement of position challenging whether the application provided an adequate number of reasonably differentiated routes to conduct a proper evaluation, and no party requested a hearing on route adequacy.
59. The application's 42 routes are an adequate number of reasonably differentiated routes to conduct a proper evaluation.

**Statements of Position and Testimony**

60. On June 16, 2020, Brenda Edwards filed direct testimony on behalf of Edwards Bros. Ranch Co.
61. On July 16, 2020, Oncor and WETT filed the direct testimony of their witnesses: L. Wayne Morton, P.E., WETT's CEO; Kenda Pollio, KP Environmental's principal environmental

- planner and project director; Brenda J. Perkins, BJ Perkins Corporation's president; and Andrew S. Cook, Oncor's transmission line design manager.
62. On July 27, 2020, John Clint Hurt filed direct testimony on behalf of Hurt Bros. Ranching.
63. On October 23, 2020, the following parties filed direct testimony either of themselves or of their witnesses: (a) Marsha Crosby on behalf of Joyful Joyful Holdings, LLC; (b) James (Jim) R. Evans on behalf of Citation Oil & Gas Corp.; (c) John W. Grant on behalf of the Colorado River Municipal Water District; (d) Mitchell Jansa on behalf of County Road 125 Intervenor; (e) Brian C. Andrews on behalf of The Lorin S. McDowell III Trust #3027, The Fredonia C. McDowell Trust #2193, The Rosemary McDowell Trust, Lorin S. McDowell III, The County Road 125 Intervenor, and the BMWB Coalition; (f) David Weishuhn, individually and on behalf of Belinda Weishuhn; (g) Doyle Schaefer; (h) Chris Matscheck; (i) Mark Frysak on behalf of Frysak Farm; (j) Sammy Kellermeier; (k) Eugene Jost; (l) Wayne Jansa; and (m) Russell T. Rice, Airline Transport Pilot and Lorin S. McDowell, each on behalf of The Lorin S. McDowell III Trust #3027, The Fredonia C. McDowell Trust #2193, The Rosemary McDowell Trust, and Lorin S. McDowell III, (n) Charles Braden, individually and on behalf of Janet Braden; (o) Suzanne Mottin on behalf of Occidental Permian Ltd.; (p) Dane M. Driver on behalf of Driver Ranches LP and Driver Production LP; (q) Mohammed Ally, P.E. on behalf of the Glasscock Concerned Citizens Group; (r) Fred Squire; and (s) Mark Turnbough, PhD on behalf of the Glass Family, Currie Ranch LP, Barba Ballenger Keene, and Fred Squire.
64. On October 22, 2020, DCP Operating Company, LP filed a statement of position.
65. On October 23, 2020, Plains Marketing, L.P. and Plains Pipeline, L.P., Barba Ballenger Keene, Currie Ranch LP, and the John Wilde Family Trust filed statements of position.
66. On October 26, 2020, McClure Oil Company, Inc. filed direct testimony.
67. On December 2, 2020, Commission Staff filed the direct testimony of its witness, Ramya Ramaswamy.
68. On December 2, 2020, the Lorin S. McDowell III Trust #3027, the Fredonia C. McDowell Trust #2193, the Rosemary McDowell Trust, and Lorin S. McDowell III filed the rebuttal

testimony of Brian C. Andrews; the Glass Family, Currie Ranch LP, Barba Keene, and Fred Squire filed the rebuttal testimony of Mark Turnbough, Ph.D.; and Baylor Walker and the Glass Family filed the rebuttal testimony of Baylor Walker.

69. On December 17, 2020, Oncor and WETT filed the rebuttal testimonies of Mr. Morton, Mr. Cook, and Ms. Pollio.
70. On January 4, 2021, the Glasscock Concerned Citizens Group filed errata to the direct testimony of Mohammed Ally, P.E. The errata requested a modification to segment E-AB along route 69.
71. On January 19, 2021, Driver Ranches LP and Driver Production LP filed errata to the direct testimony of Dane M. Driver.
72. On January 20, 2021, Oncor and WETT filed an objection and motion to strike portion of the errata to the direct testimony of Mohammed Ally, P.E. that was filed on behalf of the Glasscock Concerned Citizens Group.
73. On January 25, 2021, Oncor and WETT withdrew their objection and motion to strike the errata to the direct testimony of Mohammed Ally, P.E. at the prehearing conference.
74. On January 26, 2021, Oncor and WETT filed the supplemental rebuttal testimony of Kenda Pollio. Ms. Pollio testified that the route modification requested in the errata testimony of Mohammed Ally, P.E., is technically feasible and would add approximately \$2 million to route 69 if approved. Ms. Pollio also testified regarding the environmental data and locations and types of structures which would need to be used to modify route 69. The modified route 69 is referred to as route 69A.
75. On February 4, 2021, Oncor and WETT filed the supplemental rebuttal testimony of Andrew Cook to identify the point on the agreed route at which ownership will change between the two applicants' portions of the proposed transmission line. Oncor and WETT also filed errata to the supplemental rebuttal testimony of Ms. Pollio to make a minor correction to the estimated cost of route 69A.

**Referral to SOAH for Hearing**

76. On February 26, 2020, Citation Oil & Gas Corp. requested referral to SOAH for a hearing on the merits.
77. On February 28, 2020, Joyful Joyful Holdings LLC requested referral to SOAH for a hearing on the merits.
78. On March 10, 2020, Commission Staff requested referral to SOAH for a hearing on the merits.
79. On April 22, 2020, the Commission referred this docket to SOAH.
80. In SOAH Order No. 6 filed on August 17, 2020, the SOAH ALJs provided notice of a hearing on the merits set for 9:00 a.m. on January 26, 2021 at SOAH's hearing facility in Austin, Texas.
81. In SOAH Order No. 7 filed on November 24, 2020, the SOAH ALJs converted the hearing on the merits to a Zoom videoconference instead of an in-person hearing.
82. On January 26, 2021, the SOAH ALJs conducted a hearing on the merits. All the participating parties confirmed that they either supported or did not oppose route 69 and further that they either supported or did not oppose route 69A. Route 69A contains the same segments as route 69 except for a modification to segment E-AB as proposed on behalf of Dennis Seidenberger, a member of the Glasscock Concerned Citizens Group, in the errata to the direct testimony of Mohammed Ally. The SOAH ALJs left the record open until February 4, 2021, for the parties to submit an agreement, supporting evidence, and a proposed order and also for the parties to submit additional evidence, if any, regarding the proposed modification to segment E-AB.
83. At the hearing on the merits, the SOAH ALJs admitted the following into evidence.
  - a. BMW B Coalition: the direct testimonies of David Weishuhn, individually and on behalf of Belinda Weishuhn; Doyle Schaefer; Chris Matschek; Mark Frysak on behalf of Frysak Farms; Sammy Kellermeier; Eugene Jost; Wayne Jansa; and Charles Braden, individually and on behalf of Janet Braden.
  - b. Citation Oil & Gas Corp.: the direct testimony of James Evans.

- c. CR 125 Intervenors: the direct testimony of Mitchell Jansa.
- d. Colorado River Municipal Water District: the direct testimony of John W. Grant.
- e. Driver Ranches, LP and Driver Production, LP: the direct testimony of Dane Driver, various photographs and maps, January 4, 2021 correspondence with the Texas Railroad Commission, and the applicants' second amended response to Commission Staff's request for information number 1-1.
- f. Edwards Bros. Ranch Co.: the direct testimony of Brenda Edwards and the Edwards Bros. Ranch Co.'s response to a request for information.
- g. Glasscock Concerned Citizens Group: the direct testimony of Mohammed Ally, C. Michael Hoch's response to WETT and Oncor's first request for information, and William Currie's response to WETT and Oncor's first request for information.
- h. Glass Family: the direct testimonies of Mark Turnbough and Fred Squire; the rebuttal testimonies of Mark Turnbough and Baylor Walker; and the responses of Lorin S. McDowell III, individually and as trustee of the Lorin S. McDowell III Trust #3027, the Fredonia C. McDowell Trust #2193, and the Rosemary McDowell Trust to WETT and Oncor's first request for information numbers 1-1a, 1-1b, 1-2a, 1-2b, 1-3, 1-4, 1-5, 1-6a, 1-6b, 1-6c, 1-6d, 1-7a, and 1-7b.
- i. Joyful Joyful Holdings LLC: the direct testimony of Marsha Crosby.
- j. McClure Oil Company, Inc.: the direct testimony of Rowdy Stillwell.
- k. Lorin S. McDowell III: (a) the direct testimony of Lorin S. McDowell III, individually and as trustee of the Lorin S. McDowell III Trust #3027, the Fredonia C. McDowell Trust #2193, and the Rosemary McDowell Trust; (b) the direct testimony of Russell T. Rice, ATP on behalf of the Lorin S. McDowell III Trust #3027, the Fredonia C. McDowell Trust #2193, the Rosemary McDowell Trust, and Lorin S. McDowell III; (c) the direct testimony of Brian C. Andrews on behalf of the Lorin S. McDowell III Trust #3027, the Fredonia C. McDowell Trust #2193, the Rosemary McDowell Trust, Lorin S. McDowell III, the County Road 125 Intervenors, and the BMWB Coalition; (d) the rebuttal testimony of Brian C. Andrews on behalf of the Lorin S. McDowell III

Trust #3027, the Fredonia C. McDowell Trust #2193, the Rosemary McDowell Trust, and Lorin S. McDowell III; and (e) Lorin S. McDowell III, the Lorin S. McDowell III Trust #3027, the Fredonia C. McDowell Trust #2193, and the Rosemary McDowell Trust's response to WETT and Oncor's first request for information.

- l. Occidental Permian Limited: the redacted direct testimony of Suzanne Mottin and the highly-sensitive-protected-materials portion of the direct testimony of Suzanne Mottin.
  - m. Commission Staff: the direct testimony of Ramya Ramaswamy and WETT and Oncor's second amended response to Commission Staff's request for information number 1-1.
  - n. Oncor and WETT: (a) the joint application; (b) the notice of application amendments; (c) the affidavit attesting to the provision of notice and proof of publication; (d) the notices regarding the first, second, third, fourth, fifth, and sixth supplemental affidavits attesting to the provision of notice; (e) the joint applicants' update regarding provision of corrected notice to landowners; (f) the direct testimonies of L. Wayne Morton, Kenda Pollio, Brenda J. Perkins, and Andrew S. Cook; (g) the rebuttal testimonies of Andrew S. Cook (with a corrected affidavit page), L. Wayne Morton, and Kenda Pollio; (h) the supplemental testimony of Kenda Pollio; and (i) intervenor maps one and two.
84. On February 11, 2021, WETT, Oncor, and all intervenors filed an unopposed agreement in which they indicated either support for or no opposition to route 69 or route 69A. Commission Staff did not sign, but does not oppose, the agreement.
85. In SOAH Order No. 12 filed on February 23, 2021, the SOAH ALJs dismissed the case from SOAH's docket, remanded the case to the Commission, and admitted the following into the evidentiary record: the supplemental rebuttal testimony of Kenda Pollio (with errata) filed on February 11, 2021, the supplemental rebuttal testimony of Andrew Cook filed on February 11, 2021, and the unopposed agreement (fully executed) filed on February 11, 2021.
86. On April 6, 2021, the Commission filed a proposed order to approve either route 69 or route 69A.

87. On April 19, 2021, WETT, Oncor, Commission Staff, and Glasscock Concerned Citizens Group filed a motion to withdraw route 69A from consideration.

**Description of the Agreed Route**

88. Route 69 consists of the following segments: C-A, C-B, C-H, C-P, C-J, C-R, C-Y, C-Z, C-AF, C-AD, C-AN, E-AA, E-AB, E-AJ, E-AK, W-T, and W-W.
89. Route 69 consists entirely of noticed segments that were not changed or modified from the segments proposed in the application.
90. Route 69 is 31.4 miles in length.

**Adequacy of Existing Service and Need for Additional Service**

91. The proposed transmission line is needed to address transmission congestion that results in restriction on wind generation in the Bearkat area.
92. A study of ERCOT's Regional Planning Group indicated that due to the growth of nearby generation, the Bearkat area would experience transmission congestion approximately 51% of the time in 2023 without additional transmission facilities.
93. ERCOT's independent review identified nine potential transmission upgrade options that passed the economic planning criteria under ERCOT Nodal Protocols § 3.11.2(5).
94. ERCOT specifically recommended constructing the proposed single-circuit (double-circuit-capable) 345-kV transmission line between the Bearkat and Longshore switching stations as the best alternative among the options it evaluated.
95. The proposed transmission line was submitted to address generation stability requirements under ERCOT Planning Guide Revision Request 054 after the stability assessment portion of the Bearkat Wind full interconnection study published on January 30, 2017 showed instability issues following the loss of the Bearkat-to-Sand Bluff 345-kV line, and the steady state assessment of the Bearkat Wind full interconnection study published on April 20, 2017 showed non-convergence solutions and thermal overloads following select events involving the loss of the Bearkat-to-Sand Bluff line.



96. While the proposed transmission line would resolve the instability and other issues identified in the Bearkat Wind full interconnection study, the ERCOT board of directors ultimately approved the transmission line as an economic project.
97. No party challenged the need for the transmission line.

**Effect of Granting the Application on WETT, Oncor, and Other Utilities and Probable Improvement of Service or Lowering of Cost**

98. Oncor and WETT are the only electric utilities involved in the construction of the transmission facilities.
99. It is likely that construction of the transmission facilities will result in a more reliable transmission system.
100. Oncor and WETT can address crossings and paralleling of existing transmission lines by the new transmission facilities along the agreed route through coordination between Oncor or WETT and the applicable utilities and the application of well-established engineering measures.
101. ERCOT estimates the proposed transmission line will result in \$31.7 million in annual estimated congestion cost savings to Texas customers.
102. Route 69 begins at a new expansion bay at the existing Longshore substation owned by Oncor and terminates at a new expansion bay at the existing Bearkat substation owned by WETT.
103. It is unlikely that the construction of the transmission facilities along route 69 will adversely affect service by other utilities in the area.
104. Under ERCOT's economic criteria used to forecast an annual revenue requirement for the proposed transmission line, 15% of the proposed transmission line's estimated capital cost using route 69 would be \$9,409,350—approximately 70% below the \$31.7 million amount that ERCOT estimates the proposed transmission line will save annually.

**Estimated Costs**

105. The estimated construction costs of the 42 filed routes range from \$61,698,000 to \$86,248,000, including station costs.

106. The estimated cost to construct route 69 is \$62,729,000, including station costs.
107. The estimated cost of facility expansions to accommodate the addition of new 345-kV expansion bays at the Longshore and WETT switching stations for route 69 is \$4,856,000, which includes the costs of construction of the expanded switching stations and the structures, yards, equipment, and other items necessary to accommodate the proposed transmission line.
108. The cost of route 69 is reasonable considering the range of the cost estimates for the routes.
109. The transmission facilities will be financed by Oncor and WETT for their respective portions of the proposed transmission line through a combination of debt and equity.

**Prudent Avoidance**

110. Prudent avoidance, as defined in 16 Texas Administrative Code (TAC) § 25.101(a)(6), is the “limiting of exposures to electric and magnetic fields that can be avoided with reasonable investments of money and effort.”
111. The number of habitable structures within 500 feet of the application routes’ centerlines ranges from one to 14.
112. Route 69 has 11 habitable structures within 500 feet of its centerline.
113. The construction of transmission facilities along route 69 complies with the Commission’s policy of prudent avoidance.

**Community Values**

114. The principal concerns expressed in the 20 comment forms from the public meeting and additional four comment forms received after the open house included minimizing impacts to farming land and drip irrigation systems, paralleling existing transmission structures, preference for not interfering with oil and gas wells, and avoiding habitable structures.
115. No party challenged route 69 as not addressing the expressed community values.
116. Route 69 adequately addresses the expressed community values.

**Using or Paralleling Compatible Rights-of-Way and Paralleling Property Boundaries**

117. When developing routes, Oncor and WETT evaluated the use of existing compatible rights-of-way and paralleling of existing compatible rights-of-way and apparent property boundaries.
118. The routes in the application parallel existing transmission lines, other existing rights-of-way, or apparent property boundaries for 61% to 86% of the length of the route depending on the route selected.
119. Route 69 parallels existing transmission lines, other existing rights-of-way, and apparent property boundaries for 60.2% of its length.
120. Route 69 does not use any existing transmission-line easement and will require 31.4 miles of new right-of-way.
121. Route 69 uses or parallels existing compatible rights-of-way and apparent property boundaries to a reasonable extent.

**Engineering Constraints**

122. Oncor and WETT evaluated engineering and construction constraints when developing routes.
123. Neither Oncor nor WETT identified any engineering constraints that would prevent the construction of transmission facilities along route 69.

**Other Comparisons of Land Uses and Land Types**

**a. Radio Towers and Other Electronic Installations**

124. No commercial AM radio transmitters were identified within 10,000 feet of route 69's centerline.
125. Five FM radio transmitters, microwave relay stations, or other electronic installations were identified within 2,000 feet of route 69's centerline.
126. It is unlikely that the presence of transmission facilities along route 69 will adversely affect any communication operations in the proximity of route 69.

***b. Airstrips and Airports***

- 127. There are no airports registered with the Federal Aviation Administration and equipped with runways shorter than or exactly 3,200 feet within 10,000 feet of route 69's centerline.
- 128. There is one airport registered with the Federal Aviation Administration and equipped with at least one runway longer than 3,200 feet within 20,000 feet of route 69's centerline.
- 129. There is one private airstrip within 10,000 feet of route 69's centerline.
- 130. There are no heliports within 5,000 feet of route 69's centerline.
- 131. It is unlikely that the presence of transmission facilities along route 69 will adversely affect any airports, airstrips, or heliports.

***c. Irrigation Systems***

- 132. The proposed routes cross up to 1,689 feet of agricultural lands with known mobile irrigation systems.
- 133. Route 69 crosses agricultural lands with known mobile irrigation systems for 1,689 feet.
- 134. It is unlikely that the presence of transmission facilities along route 69 will adversely affect any agricultural lands with known mobile irrigation systems.

***Recreational and Park Areas***

- 135. None of the proposed routes, including route 69, either crosses or is located within 1,000 feet of recreational and park areas.
- 136. It is unlikely that the presence of transmission facilities along route 69 will adversely affect the use and enjoyment of any recreational or park areas.

***Historical and Archaeological Values***

- 137. None of the proposed routes, including route 69, cross any recorded historical or archaeological sites.
- 138. There are no recorded historical or archaeological sites within 1,000 feet of the centerline of route 69 or any other proposed route.
- 139. Route 69 crosses areas with a high potential for historical or archeological sites for 4.3 miles.

140. It is unlikely that the presence of transmission facilities along route 69 will adversely affect historical or archeological resources.

**Aesthetic Values**

141. Route 69 is located within the foreground visual zone of United States or state highways for 1.1 miles.
142. Route 69 crosses farm-to-market or county roads 14 times.
143. No part of route 69 is located within the foreground visual zone of recreational or park areas.
144. It is unlikely that the presence of transmission facilities along route 69 will adversely affect the aesthetic quality of the surrounding landscape.

**Environmental Integrity**

145. The environmental assessment and routing analysis analyzed the possible effects of the transmission facilities on numerous environmental factors.
146. Oncor, WETT, and KP Environmental evaluated the effects of the transmission facilities on the environment, including endangered and threatened species.
147. Oncor, WETT, and KP Environmental evaluated potential consequences for soil and water resources, the ecosystem (including endangered and threatened vegetation and fish and wildlife), and land use within the study area.
148. Oncor and WETT state it is unlikely there will be any significant effects on wetland resources, ecological resources, endangered and threatened species, or land use as a result of constructing the transmission line approved by this Order.
149. Oncor and WETT will cooperate with the United States Fish and Wildlife Service to the extent that field studies identify threatened or endangered species' habitats.
150. Oncor and WETT state it is unlikely there will be any significant adverse consequences for populations of any federally listed endangered or threatened species.

151. Oncor and WETT will mitigate any effect on federally listed plant or animal species according to standard practices and measures taken in accordance with the Endangered Species Act.
152. It is appropriate for Oncor and WETT to minimize the amount of flora and fauna disturbed during construction of the transmission facilities.
153. It is appropriate for Oncor and WETT to re-vegetate cleared and disturbed areas using native species and consider landowner preferences and wildlife needs in doing so.
154. It is appropriate for Oncor and WETT to avoid, to the maximum extent reasonably possible, causing adverse environmental effects on sensitive plant and animal species and their habitats as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
155. It is appropriate for Oncor and WETT to implement erosion-control measures and return each affected landowner's property to its original contours and grades unless the landowners agree otherwise. However, it is not appropriate for Oncor and WETT to restore original contours and grades where different contours and grades are necessary to ensure the safety or stability of any transmission line's structures or the safe operation and maintenance of any transmission line.
156. It is appropriate for Oncor and WETT to exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within rights-of-way. The use of chemical herbicides to control vegetation within rights-of-way is required to comply with the rules and guidelines established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.
157. It is appropriate for Oncor and WETT to protect raptors and migratory birds by following the procedures outlined in the following publications: *Reducing Avian Collisions with Power Lines: State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and California Energy Commission, Washington, D.C. and

Sacramento, CA 2006; and the *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and United States Fish and Wildlife Service, April 2005. It is appropriate for Oncor and WETT to take precautions to avoid disturbing occupied nests and take steps to minimize the burden of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.

158. Route 69 does not cross upland woodlands.
159. Route 69 crosses bottomland or riparian woodlands for 359 feet.
160. Route 69 crosses wetlands mapped by the National Wetland Inventory for 3,096 feet.
161. Route 69 does not cross the known habitat of a federally listed endangered or threatened species of plant or animal.
162. It is appropriate for Oncor and WETT to use best management practices to minimize any potential harm that route 69 presents to migratory birds and threatened or endangered species.
163. It is unlikely that the presence of transmission facilities along route 69 will adversely affect the environmental integrity of the surrounding landscape.

**Texas Parks and Wildlife Department's Written Comments and Recommendations**

164. On March 18, 2020, the Texas Parks and Wildlife Department filed a comment letter making various comments and recommendations regarding the transmission facilities.
165. The Texas Parks and Wildlife Department's comment letter addressed issues relating to effects on ecology and the environment but did not consider the other factors the Commission and utilities must consider in CCN applications.
166. The Texas Parks and Wildlife Department identified route 48 as the route that best minimizes adverse effects on natural resources.
167. Before beginning construction, it is appropriate for Oncor and WETT to undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and to respond as required.

168. Oncor and WETT will comply with all applicable environmental laws and regulations, including those governing threatened and endangered species.
169. Oncor and WETT will comply with all applicable regulatory requirements in constructing the transmission facilities, including any applicable requirements under section 404 of the Clean Water Act.
170. If construction affects federally listed species or their habitat or affects water under the jurisdiction of the United States Army Corps of Engineers or the Texas Commission on Environmental Quality, Oncor and WETT will cooperate with the United States Fish and Wildlife Service, United States Army Corps of Engineers, and the Texas Commission on Environmental Quality as appropriate to coordinate permitting and perform any required mitigation.
171. Oncor, WETT, and KP Environmental relied on habitat descriptions from various sources, including the Texas Natural Diversity Database, other sources provided by the Texas Parks and Wildlife Department, and observations from field reconnaissance to determine whether habitats for some species are present in the area surrounding the transmission facilities.
172. Oncor and WETT will cooperate with the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department if field surveys identify threatened or endangered species' habitats.
173. The standard mitigation requirements included in the ordering paragraphs of this Order, coupled with Oncor's and WETT's current practices, are reasonable measures for a transmission service provider to undertake when constructing a transmission line and sufficiently address the Texas Parks and Wildlife Department's comments and recommendations.
174. This Order addresses only those recommendations by the Texas Parks and Wildlife Department for which there is record evidence.
175. The recommendations and comments made by the Texas Parks and Wildlife Department do not necessitate any modifications to the transmission facilities.



**Permits**

176. Before beginning construction of the transmission facilities approved by this Order, Oncor and WETT will obtain any necessary permits from the Texas Department of Transportation or any other applicable state agency if the facilities cross state-owned or -maintained properties, roads, or highways.
177. Before beginning construction of the transmission facilities approved by this Order, Oncor and WETT will obtain a miscellaneous easement from the General Land Office if the transmission line crosses any state-owned riverbed or navigable stream.
178. Before beginning construction of the transmission facilities approved by this Order, Oncor and WETT will obtain any necessary permits or clearances from federal, state, or local authorities.
179. It is appropriate for Oncor and WETT, before commencing construction, to obtain a general permit to discharge under the Texas pollutant discharge elimination system for stormwater discharges associated with construction activities as required by the Texas Commission on Environmental Quality. In addition, because more than five acres will be disturbed during construction of the transmission facilities, it is appropriate for Oncor and WETT, before commencing construction, to prepare the necessary stormwater-pollution-prevention plan, to submit a notice of intent to the Texas Commission on Environmental Quality, and to comply with all other applicable requirements of the general permit.
180. It is appropriate for Oncor and WETT to conduct a field assessment of the agreed route before beginning construction of the transmission facilities approved by this Order to identify water resources, cultural resources, potential migratory bird issues, and threatened and endangered species' habitats disrupted by the transmission line. As a result of these assessments, Oncor and WETT will identify all necessary permits from Glasscock and Howard counties and federal and state agencies. Oncor and WETT will comply with the relevant permit conditions during construction and operation of the transmission facilities along the agreed route.
181. After designing and engineering the alignments, structure locations, and structure heights, Oncor and WETT will determine the need to notify the Federal Aviation Administration

based on the final structure locations and designs. If necessary, Oncor and WETT will use lower-than-typical structure heights, line marking, or line lighting on certain structures to avoid or accommodate requirements of the Federal Aviation Administration.

**Coastal Management Program**

182. Under 16 TAC § 25.102(a), the Commission may grant a certificate for the construction of transmission facilities within the coastal management program boundary only when it finds that the proposed facilities comply with the goals and applicable policies of the Coastal Management Program or that the proposed facilities will not have any direct and significant effect on any of the applicable coastal natural resource areas as defined under Texas Natural Resources Code § 33.203 and 31 TAC § 501.3(b).
183. No part of the transmission facilities approved by this Order is located within the coastal management program boundary as defined in 31 TAC § 503.1(b).

**Effect on the State's Renewable Energy Goal**

184. The Texas Legislature established a goal in PURA § 39.904(a) for 10,000 megawatts of renewable capacity to be installed in Texas by January 1, 2025. This goal has already been met.
185. The presence of transmission facilities along the agreed route cannot adversely affect the goal for renewable energy development established in PURA § 39.904(a).

**Limitation of Authority**

186. It is reasonable and appropriate for a CCN order not to be valid indefinitely because it is issued based on the facts known at the time of issuance.
187. Seven years is a reasonable and appropriate limit to place on the authority granted in this Order to construct the transmission facilities.

**Good Cause Exceptions**

188. On May 1, 2019 on behalf of Oncor and WETT, KP Environmental corresponded with the Department of Defense Siting Clearinghouse regarding the transmission facilities before the public meeting.

189. The Department of Defense Siting Clearinghouse had actual notice of the proposed transmission facilities before Oncor and WETT held a public meeting on September 11, 2019.
190. It is appropriate to consider this Order at the earliest open meeting available; therefore, good cause exists to waive the requirement in 16 TAC § 22.35(b)(2) that a proposed order be served on parties 20 days before the Commission is scheduled to consider the application at the open meeting.

**Informal Disposition**

191. More than 15 days have passed since the completion of notice provided in this docket.
192. Citation Oil & Gas Corp. and Joyful Joyful Holdings LLC originally requested a hearing in this proceeding but effectively withdrew that request by joining the agreement.
193. No hearing is necessary.
194. This decision is not adverse to any party.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. Oncor is a public utility as defined in PURA § 11.004 and an electric utility as defined in PURA § 31.002(6).
2. WETT is a public utility as defined in PURA § 11.004 and an electric utility as defined in PURA § 31.002(6).
3. Oncor is required to obtain the approval of the Commission to construct the proposed transmission line and to provide service to the public using the line.
4. WETT is required to obtain the approval of the Commission to construct the proposed transmission line and to provide service to the public using the line.
5. The Commission has authority over the application under PURA §§ 14.001, 32.001, 37.051, 37.053, 37.054, and 37.056.
6. SOAH exercised jurisdiction over the proceeding under PURA § 14.053 and Texas Government Code §§ 2003.021 and 2003.049.

7. The joint application is sufficient under 16 TAC § 22.75(d).
8. Oncor and WETT provided notice of the application according to PURA § 37.054 and 16 TAC § 22.52(a).
9. Additional notice of route 69 is not required under 16 TAC § 22.52(a)(2) because it consists entirely of properly noticed segments contained in the original CCN application.
10. Oncor and WETT provided notice of the public meeting in compliance with 16 TAC § 22.52(a)(4), except for notice to the Department of Defense.
11. The hearing on the merits was set, and notice of the hearing was provided, in compliance with PURA § 37.054 and Texas Government Code §§ 2001.051 and 2001.052.
12. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,<sup>2</sup> and Commission rules.
13. The transmission facilities using route 69 are necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a).
14. The Texas Coastal Management Program does not apply to any of the transmission facilities approved by this Order, and the requirements of 16 TAC § 25.102 do not apply to the application.
15. The proceeding meets the requirements for informal disposition under 16 TAC § 22.35 except for serving the proposed order 20 days before the commission is scheduled to consider the application in open meeting.
16. Good cause exists under 16 TAC § 22.5 to grant an exception to the requirement in 16 TAC § 22.52(a)(4) that written notice of the public meeting held by Oncor and WETT on September 11, 2019 be provided to the Department of Defense Siting Clearinghouse.
17. There is good cause to waive the 20-day notice requirement in 16 TAC § 22.35(b)(2) under 16 TAC § 22.5(b).

---

<sup>2</sup> Administrative Procedure Act, Tex. Gov't Code §§ 2001.001–2001.902.

### III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission amends Oncor's CCN number 30043 to include the construction and operation of the transmission facilities, which comprise the following segments along route 69: C-A, C-B, C-H, C-P, C-J, C-R, C-Y, C-Z, C-AF, and the northern portion of segment C-AD, including the Oncor-owned structure on tract 386 along segment C-AD located approximately 5,000 feet north of the 90-degree-angle structure west of FM 33 that will be located in the northeastern corner of tract 394. The Oncor-owned structure will be labeled as the route 69 division point structure and will establish a new interconnection between Oncor and WETT.
2. The Commission amends WETT's CCN number 30197 to include the construction and operation of the transmission facilities, which comprise the following segments along route 69: the southern portion of segment C-AD, south of but excluding the route 69 division point structure, as well as segments C-AN, E-AA, E-AB, E-AJ, E-AK, W-T, and W-W.
3. Oncor and WETT must consult with pipeline owners or operators in the vicinity of the approved route regarding the pipeline owners' or operators' assessment of the need to install measures to mitigate the effects of alternating-current interference on existing pipelines paralleled by the electric transmission facilities approved by this Order.
4. Oncor and WETT must conduct surveys, if not already completed, to identify metallic pipelines that could be affected by the transmission line approved by this Order and cooperate with pipeline owners in modeling and analyzing potential hazards because of alternating-current interference affecting metallic pipelines being paralleled.
5. Oncor and WETT must obtain all permits, licenses, plans, and permission required by state and federal law that are necessary to construct the transmission facilities approved by this Order, and if Oncor or WETT fails to obtain any such permit, license, plan, or permission, they must notify the Commission immediately.

6. Oncor and WETT must identify any additional permits that are necessary, consult any required agencies (such as the United States Army Corps of Engineers and United States Fish and Wildlife Service), obtain all necessary environmental permits, and comply with the relevant conditions during construction and operation of the transmission facilities approved by this Order.
7. If Oncor or WETT encounters any archaeological artifacts or other cultural resources during construction, work must cease immediately in the vicinity of the artifact or resource, and Oncor or WETT must report the discovery to, and act as directed by, the Texas Historical Commission.
8. Before beginning construction, Oncor and WETT must undertake appropriate measures to identify whether a potential habitat for endangered or threatened species exists and must respond as required.
9. Oncor and WETT must use best management practices to minimize the potential harm to migratory birds and threatened or endangered species that is presented by the approved route.
10. Oncor and WETT must follow the procedures to protect raptors and migratory birds as outlined in the following publications: *Reducing Avian Collisions with Power Lines: State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and the California Energy Commission, Washington, D.C. and Sacramento, CA, 2006; and the *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and the United States Fish and Wildlife Service, April 2005. Oncor and WETT must take precautions to avoid disturbing occupied nests and take steps to minimize the burden of the construction of the transmission facilities on migratory birds during the nesting season of the migratory bird species identified in the area of construction.
11. Oncor and WETT must exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within the rights-of-way. Herbicide use must comply with rules and guidelines established in the

Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.

12. Oncor and WETT must minimize the amount of flora and fauna disturbed during construction of the transmission facilities, except to the extent necessary to establish appropriate right-of-way clearance for the transmission line. In addition, Oncor and WETT must re-vegetate using native species and must consider landowner preferences and wildlife needs in doing so. Furthermore, to the maximum extent practicable, Oncor and WETT must avoid adverse environmental effects on sensitive plant and animal species and their habitats, as identified by the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service.
13. Oncor and WETT must implement erosion-control measures as appropriate. Erosion-control measures may include inspection of the rights-of-way before and during construction to identify erosion areas and implement special precautions as determined reasonable to minimize the effect of vehicular traffic over the areas. Also, Oncor and WETT must return each affected landowner's property to its original contours and grades unless otherwise agreed to by the landowner or the landowner's representative. However, the Commission does not require Oncor and WETT to restore original contours and grades where a different contour or grade is necessary to ensure the safety or stability of the structures or the safe operation and maintenance of the line.
14. Oncor and WETT must cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the disruptive effect of the transmission line approved by this Order. Any minor deviations from the approved route must only directly affect landowners who were sent notice of the transmission line in accordance with 16 TAC § 22.52(a)(3) and have agreed to the minor deviation.
15. The Commission does not permit Oncor or WETT to deviate from the approved route in any instance in which the deviation would be more than a minor deviation without first further amending the relevant CCN.
16. If possible, and subject to the other provisions of this Order, Oncor and WETT must prudently implement appropriate final design for the transmission line to avoid being

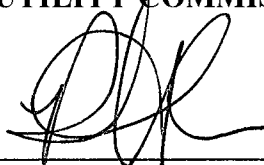
subject to the Federal Aviation Administration's notification requirements. If required by federal law, Oncor and WETT must notify and work with the Federal Aviation Administration to ensure compliance with applicable federal laws and regulations. The Commission does not authorize Oncor or WETT to deviate materially from this Order to meet the Federal Aviation Administration's recommendations or requirements. If a material change would be necessary to meet the Federal Aviation Administration's recommendations or requirements, then Oncor and WETT must file an application to amend its CCN as necessary.

17. Oncor and WETT must include the transmission facilities approved by this Order on monthly construction progress reports before the start of construction to reflect the final estimated cost and schedule in accordance with 16 TAC § 25.83(b). In addition, Oncor and WETT must provide final construction costs, with any necessary explanation for cost variance, after the completion of construction when Oncor and WETT identifies all charges.
18. Entry of this Order does not indicate the Commission's endorsement or approval of any principle or methodology that may underlie the agreement and must not be regarded as precedential as to the appropriateness of any principle or methodology underlying the agreement.
19. The Commission limits the authority granted by the Order to a period of seven years from the date the Order is signed unless, before that time, the transmission line is commercially energized.
20. The Commission denies all other motions and any other requests for general or specific relief that the Commission has not expressly granted.



Signed at Austin, Texas the 7<sup>th</sup> day of May 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



---

PETER M. LAKE, CHAIRMAN



---

WILL MCADAMS, COMMISSIONER